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Fresno, California

October 26, 1999

The City Council met in regular session at the hour of 9:04 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor G. L. Johnson, Peoples Church, gave the invocation.

Chuck Monges led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF "DR. RICHARD BERTKEN DAY" - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF "FEEDING NEEDY FAMILIES DAY" - COUNCILMEMBER RONQUILLO

PRESENTATION OF CERTIFICATES TO THE RED RIBBON WEEK POSTER CONTEST WINNERS

RESOLUTIONS OF COMMENDATION TO SCHOLARSHIP RECIPIENTS MARIO MOUA, EENA SAESEE, XIONG VANG, SHELLY CHA AND NA THAO - ACTING PRESIDENT MATHYS

PRESENTATION OF STUDENT OF THE QUARTER AWARDS - COUNCILMEMBER PEREA

PRESENTATION OF PRIDE TEAM CERTIFICATES FOR THE FALL QUARTER (RECEPTION IMMEDIATELY FOLLOWING)

The above proclamations, resolutions and certificates were read and presented, and the Council took a brief recess to attend the reception for the PRIDE Team.

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**RECESS - 9:43 A.M. - 9:56 A.M.** Councilmember Perea arrived later.

**APPROVE MINUTES:**

The minutes of October 19, 1999, approved as submitted.

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**APPROVE AGENDA:**

**(1A-8) REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT FOR OFFICE SUPPLIES**

Removed from the agenda at the direction of staff.

**(5B) \* BILL FOR INTRODUCTION SUBMITTING A PROPOSAL CHARTER AMENDMENT TO CITY ELECTORS REQUIRING VOTER APPROVAL OF DEBT INCURRED FOR NON-CITY PROJECTS - ACTING PRESIDENT MATHYS**

Removed from the agenda.

**APPEARANCE BY CITY BLUE COLLAR WORKERS/LOCAL 39 - COUNCILMEMBER BREDEFELD**

Councilmember Bredefeld advised the City's blue collar workers would be appearing at 4:30 p.m. this date whereupon it was determined to hear "Unscheduled Oral Communications" at that time.

**DIRECT STAFF TO LOOK INTO THE NON-OPERATION OF TWO NEW FIRE TRUCKS AT FIRE STATION NO. 3 - ACTING PRESIDENT MATHYS**

Direction made.

**(5F) DIRECT CITY ATTORNEY TO CREATE AN ORDINANCE TO REQUIRE BUSINESSES WITH APPROPRIATE ZONING TO INSTALL SLATS OR CITY APPROVED MATERIAL IN THEIR CHAIN LINK FENCES SURROUNDING THE PROPERTY TO COVER PROPERTIES USED FOR STORAGE - COUNCILMEMBER QUINTERO**

Removed from the agenda by Councilmember Quintero who stated he would reschedule the issue.

**COMMENDATION TO POLICE DEPARTMENT, COMMUNITY SANITATION, CODE ENFORCEMENT AND ALL OTHERS INVOLVED IN THE SUCCESS OF THE BIG FRESNO FAIR - COUNCILMEMBER QUINTERO**

Commendation made.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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**ADOPT CONSENT CALENDAR:**

**(1A-3)** APPROVE SUBMISSION OF THE ANNUAL TRANSPORTATION FUNDING CLAIM FOR FY 2000 FOR FRESNO'S LTF AND STA ENTITLEMENT IN THE AMOUNT OF \$11,281,404 (OF WHICH \$10,814,429 WILL BE AVAILABLE FOR FRESNO AREA EXPRESS TRANSIT OPERATIONS); AND AUTHORIZE THE TRANSIT GENERAL MANAGER TO EXECUTE ALL CLAIM DOCUMENTS ON BEHALF OF THE CITY

**(1A-4) \* RESOLUTION NO. 99-307 - 42<sup>ND</sup>** AMENDMENT TO AAR 99-181 INCREASING FY 2000 APPROPRIATIONS IN THE FIRE DEPARTMENT BY \$3,400 PAID BY LOCAL AREA MEDICAL FACILITIES FOR SPECIALIZED TRAINING AND CONSULTING SERVICES INVOLVING HAZARDOUS MATERIALS DECONTAMINATION PROCEDURES CONDUCTED BY THE FIRE DEPARTMENT'S HAZARDOUS MATERIALS RESPONSE TEAM

**(1A-7)** APPROVE AGREEMENT WITH THE SAN JOAQUIN VALLEY RAILROAD FOR RECONSTRUCTION OF THE N. FRESNO STREET AND N. FIRST STREET AT-GRADE RAILROAD CROSSINGS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ON BEHALF OF THE CITY

**(1A-9)** ADOPT THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE FRESNO AIRPORT PEACE OFFICERS/FIREFIGHTERS ASSOCIATION (FAPOFA), UNIT 11, COVERING THE PERIOD JULY 1, 1998, THROUGH JUNE 30, 2002

**(1A-10)** DECLARING STRUCTURAL PROPERTY AT THE REGIONAL WASTEWATER RECLAMATION FACILITY IS SURPLUS TO THE CITY'S NEEDS, IN CONFORMANCE WITH SECTION 3-202 OF THE FRESNO MUNICIPAL CODE; AND ACCEPT THE OFFER OF \$5,502.70 FROM PITMAN FARMS, INC, FOR THE PURCHASE OF THE STRUCTURAL PROPERTY

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

**(1A-2)** APPROVE AGREEMENTS WITH PYROSPECTACULAR, INC. AND THE COUNTY OF FRESNO FOR A FIREWORKS DISPLAY AND FOR THE USE OF COUNTY FACILITIES TO LAUNCH THE FIREWORKS DISPLAY, FOR THE FRESNO MILLENNIUM 2000 CELEBRATION

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the agreements with Pyrospectacular, Inc. and the County of Fresno for a fireworks display and for use of County facilities to launch the display hereby approved, and the City Manager authorized to execute the agreements on behalf of the City, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld
Absent	:	Perea

**(1A-5) RESOLUTION NO. 99-308** - INTENT TO ANNEX FINAL MAP OF TRACT NO. 4866 AS ANNEXATION NO. 14 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING THE PUBLIC HEARING FOR NOVEMBER 30, 1999, AT 10:00 A.M. IN CITY HALL

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 99-308 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo, Steitz
Noes	:	Mathys
Absent	:	Perea

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**(10:00 A.M.) CONTINUED HEARING ON ADOPTION OF TEXT AMENDMENT NO. TA-99-04**  
**1. BILL NO. B-69 - ORDINANCE NO. 99-63** - AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS MODIFYING THE DEVELOPMENT CRITERIA FOR A FAMILY RESTAURANT, GAME, AND ENTERTAINMENT CENTER, AND ADDING THE USE TO THE C-4, CENTRAL TRADING DISTRICT, SUBJECT TO A CONDITIONAL USE PERMIT - TEXT AMENDMENT NO. TA-99-04

President Steitz announced the time had arrived to consider the issue and opened the hearing. **(2 - 0)** A motion and second was made to adopt the ordinance. Councilmember Bredefeld noted this related to a business in his district and commended staff for their work.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the Categorical Exemption for TA-99-04 hereby adopted; and the above entitled Bill No. B-69 adopted as Ordinance No. 99-63, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea

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**(3A) \* BILL NO. B-68 - ORDINANCE NO. 99-64** - REPEALING SUBSECTIONS (a) AND (b), AMENDING SUBSECTION (c) OF SECTION 5-109, AND ADDING SECTION 5-208 TO THE FRESNO MUNICIPAL CODE RELATING TO BUSINESS LICENSES (EXEMPTING STARTUP BUSINESSES FROM CITY BUSINESS TAXES DURING THEIR FIRST YEAR OF OPERATION)

A motion and second to adopt the ordinance was made. Councilmembers Bredefeld and Ronquillo commended the Mayor, City Manager and the Economic Recovery Committee on the issue stating these were the kinds of things the City needed to do and was a move in the right direction. Councilmember Perea arrived at 10:06 a.m.

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the above entitled Bill No. B-68 adopted as Ordinance No. 99-64, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(3B) \* BILL NO. B-66 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO FISCAL ADMINISTRATION, REVISING PROCEDURE FOR PRESENTATION AND PROCESSING OF CLAIMS FOR MONEY OR DAMAGES (INCLUDING CLAIMS RELATING TO CONTRACTS), PENDING LITIGATION AND WORKERS' COMPENSATION CLAIMS, AND MAKING HOUSEKEEPING AMENDMENTS AND FORMALIZING ADMINISTRATIVE PRACTICE**

Acting President Mathys made a motion to adopt the ordinance. Upon question of Councilmember Ronquillo, City Attorney Montoy stated the amendments were the result of a very comprehensive effort and the ordinance was very helpful, felt there were issues relative to the authority granted to the City Manager, and requested her office be given additional time to address those issues. Councilmember Ronquillo made a motion to postpone the matter one week to allow the City Attorney to report back. City Manager Reid stated he was not aware the City Attorney had any concerns and requested he be advised of those concerns. Councilmember Perea clarified the City Attorney would be addressing both legal and policy issues.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, adoption of Bill No. B-66 postponed to November 2<sup>nd</sup>, and at the end of the meeting to November 9, 1999, for a report from the City Attorney on legal and policy issues, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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**(3C) \* BILL NO. B-70 - ORDINANCE NO. 99-65 - EMERGENCY ORDINANCE FOR INTRODUCTION AND ADOPTION AMENDING THE FRESNO MUNICIPAL CODE ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTED OFFICE (INITIATED BY COUNCILMEMBER BREDEFELD)**

**1. RESOLUTION NO. 99-309 - DESIGNATING AN ENFORCEMENT AUTHORITY TO ENFORCE THE CAMPAIGN CONTRIBUTION LIMITS IN ARTICLE 22 OF CHAPTER 2 OF THE FRESNO MUNICIPAL CODE**

Councilmember Bredefeld briefly reviewed the issue stating a level playing field was needed, noted this would reduce influences at City Hall and explained, and made a motion to adopt the ordinance, which motion was seconded and acted upon after brief discussion.

Councilmember Ronquillo stated his support for the issue; emphasized there was a difference between strong influence and corruption and those issues needed to be separated and explained; and noted it was unfortunate it took \$300,000 to run a campaign in Fresno but that was the reality. President Steitz expressed his opposition stating if money could buy elections Mr. Checci would be Governor and Mr. Perot would be President, emphasized the individual was the corrupting force and *not* the amount, and added State regulations were already in place. Councilmember Bredefeld disagreed stating when someone is influenced by contributors that is a corrupting process and this was a step in reducing that influence.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by a unanimous Council vote.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-70 introduced and adopted as Ordinance No. 99-65, and the above entitled Resolution No. 99-309 adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

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**(5A) \* ESTABLISH POLICY REQUIRING RESIDENTIAL/COMMERCIAL DEVELOPERS TO CONDUCT A CITY/CALTRANS APPROVED TRAFFIC STUDY TO DETERMINE THE CUMULATIVE FULL BUILD-OUT AFFECT OF PROPOSED PROJECTS AND PAYMENT OF FAIR SHARE OF COSTS RELATED TO THE AFFECTED TRANSPORTATION CORRIDORS - COUNCILMEMBER PEREA**

Councilmember Perea briefly reviewed the issue stating the long-standing policies in place no longer worked for the city and needed to be changed; noted Caltrans was asking that development projects mitigate the impacts on the freeway systems; commented on the problems at the Friant on-ramp; and stated this issue was not to place blame but to correct problems, and made a motion as outlined, which was seconded and acted upon after discussion.

City Manager Reid addressed at length the issues of (1) how to accomplish the requested goal, (2) reasons why he was recommending a new fee not be imposed, and (3) other options to achieve a mutual goal.

Councilmember Ronquillo commended Councilmember Perea for bringing the matter forth; noted a lot of issues needed to be addressed; relative to the Friant on/off-ramp problems stated he was surprised the Woodward Homeowners Association did not protest years ago on the planned commercialization/office use in that area; and emphasized he would argue against removing any funds for the project connecting Freeway 99 to I-5 and explained. Acting President Mathys commented on the problems at Shaw/99 and Herndon/99 ramps, and the Grantland by-pass and area improvements/new homes being built with no permanent improvements to the freeway and explained, and stated although he generally did not support fee increases of any type the City did need to address its freeway system, especially east/west. Councilmember Boyajian stated relative to "paying their fair share", Mr. McDonald was not paying his fair share and explained; emphasized a master plan was needed with Council telling developers where to build; and concurred with Councilmember Ronquillo relative to removing funds from 180 west stating the

most important issue was jobs and 180 west and the Roeding Business Park would bring jobs to the area. Councilmember Ronquillo briefly left the meeting at 10:39 a.m. President Steitz stated all communities needed to contribute towards impacts on the freeway system; clarified the process was currently being worked on at the COG level which was the most appropriate level at this point, and requested the issue be postponed until the City received something from COG with all cities buying into a traffic study and cost allocation.

Mr. Reid clarified and corrected issues relating to the 180 west and 168 projects, and how the freeways were developed and planned to support the City's general plan and elaborated.

Councilmember Perea reiterated this was not about finding fault but was about fixing a major problem; noted if COG had the responsibility of fixing the problems they would have done something long ago; and made a motion to close debate.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea
Noes	:	Quintero, Steitz
Absent	:	Ronquillo

Upon question of City Attorney Montoy for clarification, Councilmember Perea stated his motion was direction to staff to establish a policy. Ms. Montoy advised the process would entail a CEQA analysis and studies. Councilmember Ronquillo returned to the meeting at 10:50 a.m. **(3 - 0)** Councilmember Quintero requested copies of COG minutes on a monthly basis, and requested the City Manager provide a written summary/organizational flow of dollars/taxes generated to repair roads.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, staff directed to establish a policy requiring residential/commercial developers to conduct a City/Caltrans approved traffic study to determine the cumulative full build-out affect of proposed projects and payment of fair share of costs related to the affected transportation corridors, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(10:30 A.M.) HEARING ON APPEAL OF DECISION BY THE CITY OF FRESNO HISTORIC PRESERVATION COMMISSION REGARDING THE PROPOSED FLAGPOLE AND MONUMENT AT THE FRESNO VETERANS MEMORIAL AUDITORIUM LOCATED AT 2425 FRESNO STREET - HISTORIC RESOURCE #52**

City Manager Reid reviewed the staff report as submitted and advised of findings that would need to be made to override the appeal, read the Secretary of Interior's standards, and advised Council had the basis to make the findings to support the project.

Bruce Kinabrew, Assistant to President Steitz, reviewed the project stating the purpose was to compliment the building; recommended Council hear testimony and continue the matter for three weeks to allow the issue to go through the process; displayed color renderings of the memorial on the overhead and presented for Council's review one of the six plaques planned for the project; and requested Council's support.

Speaking in support or opposition to the project: James Oakes, Architect, 191 W. Shaw, opposed; Chuck Leavitt, 2425 Fresno St., Veteran and Member of the Memorial Auditorium Restoration Society (MARS), opposed; Ron Markarian, 8547 N. Calaveras, support; Roger Taylor, 4557 E. Pico, opposed; Stebbins Dean, Chamber of Commerce, 1649 Van Ness, support; Anita Hamparson, 361 W. San Ramon, opposed; Jerry Eckenrod, 8525 N. Calaveras, support (**4 - 0**); George Ollickala, 3604 E. Redlands, opposed; Attorney Stephen Mensel, 1221 Van Ness, opposed; Juan Trevino, 2966 E. Austin, support; and Chuck Monges, 2425 Fresno St., support.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

City Attorney Montoy concurred that no determination be made this date as it appeared the matter was scheduled before Council prematurely and explained, and advised she had to determine if an environmental assessment was conducted. Upon questions of President Steitz and Acting President Mathys, Ms. Montoy clarified all procedures were not followed, the matter should not have gone to the Historic Preservation Commission, a process had to be followed, and testimony this date could be considered when the issue comes back. There was no further discussion.

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#### **RECESS - 11:54 A.M. - 12:03 P.M.**

**(11:45 A.M.) APPEARANCE BY PHILIP McCULLOUGH, SR. REGARDING THE DEL MONTE PINES APARTMENTS AT 4111 N. FRUIT AVENUE - COUNCILMEMBER BOYAJIAN AND ACTING PRESIDENT MATHYS**

Upon question of Councilmember Boyajian, Mr. McCullough stated he was being evicted. Acting President Mathys reviewed the issue stating millions of dollars of tax subsidized bonds were authorized by the City to supposedly assist low-income families and now Mr. McCullough, who happened to make a few hundred dollars too much, was being evicted stating the action was unconscionable and unfair.

Mr. McCullough explained the issue, including discrepancies with the salary qualifications and increases in rents and deposits, and stated the whole issue did not make sense.

Discussion ensued on options, the City's jurisdiction over the matter, and if there were any provisions calling for the owners to meet certain requirements with the issuance of the bonds. Acting President Mathys requested the City Attorney send a letter to the owners directing them to cease and desist with the evictions until the issue was resolved, with City Attorney Montoy recommending she be allowed to look into the issue before the City issued any type of direction to the owners. Acting President Mathys directed a report be brought back in one week at a time certain. Councilmember Quintero directed any helpful information obtained in the interim be sent to Mr. McCullough.

Brief discussion ensued and by Council consensus, the matter was set for November 2<sup>nd</sup> at 10:30 a.m.

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**LUNCH RECESS - 12:14 P.M. - 2:14 P.M.**

**(11:00 A.M.)** HEARING ON PLAN AMENDMENT NO. NO. R-99-10 AND REZONING APPLICATION NO. R-99-20, FILED BY BRIAN DAVIES ON BEHALF OF HIGHLAND ENTERPRISES, 18.6 ACRES LOCATED ALONG THE SOUTH SIDE OF W. HERNDON NORTH OF W. PALO ALTO AND EAST OF N. POLK AVENUE

- 1. CONSIDER MITIGATED NEGATIVE DECLARATION NO. A-99-10/R-99-20**
- 2. RESOLUTION NO. 99-310 - AMENDING THE BULLARD COMMUNITY PLAN**
- 3. BILL NO. B-71 - ORDINANCE NO. 99-66 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/EA/UGM**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Planner Beedle briefly reviewed the staff report as submitted. Acting President Mathys made a motion to approve staff's recommendation stating this was an infill project on property that had been vacant for a long time and would be compatible to the area. The motion was seconded and acted upon after discussion.

Planning Manager Yovino, an unidentified representative of the applicant, Mr. Beedle and City Attorney Montoy responded to questions of Councilmember Perea, President Steitz and City Manager Reid relative to Caltrans' finding for a traffic study, if the developer was willing to pay a pro-rata share towards traffic circulation improvements, school overcrowding, legality of considering school overcrowding in deliberations, capacity of nearby school, authority/legality of Council imposing/assessing a mitigation fee, and a nexus study from Caltrans.

A motion of Acting President Mathys, seconded by Councilmember Perea, to call for the question and close debate failed by a majority Council vote.

Councilmember Ronquillo spoke in support stating this was an infill project and was exactly what Council was looking for and wanted, and stated it was unfair to assess a mitigation fee before a policy was developed. Mr. Yovino responded to questions of Councilmember Boyajian relative to the existing planned office-commercial designation for the property and impacts versus the requested residential designation, if the property was designated as ag land, adequacy of infrastructure on Herndon Avenue and adequacy of the Herndon/99 interchange, Caltrans' basic concerns, the developer paying a fee if a comprehensive traffic study was conducted, **(5 - 0)** and if there were any safety concerns with the nearby railroad. President Steitz spoke in support of the project stating until Caltrans put their money where their mouth was and conducted a nexus study, including an east/west freeway, their comments were worthless.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-10, R-99-20 dated July 7, 1999, hereby approved; the above entitled Resolution No. 99-310 adopted; and the above entitled Bill No. B-71 adopted as Ordinance No. 99-66, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

Councilmember Boyajian began commenting and expressing concern with criticisms directed at Caltrans, whereupon President Steitz called discussion out of order as the issue had already been voted upon and closed.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the rules hereby suspended to allow additional comments after the vote, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	Steitz
Absent	:	None

Councilmember Boyajian expressed his concern with criticisms directed at other agencies stating they were politically motivated, and emphasized important issues were not being addressed and he wanted as much information as he could get. Mr. Reid briefly commented on the recommendation for a program for freeway impacts and the need to start with COG. There was no further discussion.

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**(11:30 A.M.) APPEARANCE BY BRUCE JOHNSON, JR., REGARDING THE IMPENDING WINTER CLOSURE OF THE DOG PARK LOCATED AT EL CAPITAN AND ALAMOS AVENUES**

Appearance made with Mr. Johnson stating his appearance was on behalf of the 156 petition signatories, and reviewed his proposal for a temporary park in remote sections of Woodward Park during the winter closure of the dog park. Upon question of Acting President Mathys, Parks and Recreation Director Primavera stated the dog park could stay open until the handicap ramp construction started. Noting action could not be taken this date on Mr. Johnson's proposal for a more permanent park, the matter was scheduled for November 9th for a report back from staff.

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**(1A-1) APPROVE AGREEMENT WITH THE TAYLOR GROUP FOR ARCHITECTURAL SERVICES TO PERFORM A FEASIBILITY STUDY AND COMPARATIVE COST ANALYSIS FOR THE REMODEL AND EXPANSION OF THE CONVENTION CENTER FACILITIES**

**1. RESOLUTION - 21<sup>ST</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$43,000 FOR A FEASIBILITY STUDY TO IMPROVE THE CONVENTION CENTER FACILITIES**

A motion and second to approve an agreement with LMN Architects was made. City Attorney Montoy clarified the motion would be deemed denial of the item before Council with direction to staff to bring back a contract and resolution for LMN.

Russ Taylor, President, The Taylor Group, 6594 N. Farris, stated he was a local independent small business who was being recommended by staff and appeared to be railroaded by Council for reasons he could not figure out, expressed his opposition to the motion as a taxpayer noting Council would be expending \$10,000 more for the same work, and responded to questions of City Manager Reid on his proposal being \$10,000 less with the same scope of work, if he reflected a "biased" approach on the exhibit hall and how his approach differed from LMN's, and if his position on the exhibit hall would reflect on his ability to perform the work for the convention center facilities.

Councilmember Bredefeld stated he respected Mr. Taylor being a local business, and advised he had problems with how Mr. Taylor conducted himself when Council dealt with the very contentious exhibit hall which was why he could not support him for this project.

President Steitz expressed his concern emphasizing this was an outrageous waste of taxpayer money and the local business would do a better job. Councilmember Perea made a motion, seconded by Councilmember Bredefeld, to close debate and call for the question, which motion President Steitz ruled out of order. Acting President Mathys apologized to Mr. Taylor for walking out during his past presentation and stated he would not be supporting the motion.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff's recommendation to approve an agreement with The Taylor Group hereby denied; and staff directed to return with an agreement with LMN Architects and the accompanying appropriation resolution, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	None

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**(1A-6) APPROVE AN AGREEMENT WITH HDR ENGINEERING, INC., TO PROVIDE ASSISTANCE TO SOLID WASTE MANAGEMENT PUBLIC EMPLOYEES IN THE DEVELOPMENT OF A PROPOSAL TO PROVIDE RECYCLING AND CURBSIDE COLLECTION SERVICES**

Upon request of Councilmember Bredefeld, Public Utilities Director Rhinehart explained the purpose of the item, and advised developing a proposal was a complicated process which required a lot of analysis and HDR would assist the Solid Waste management team in getting a proposal together.

Gene Zimmerman, FCEA Business Representative, stated he felt the issue was moving towards privatization and he hoped staff would be directed to meet and confer with the unions.

Discussion ensued with Mr. Rhinehart responding to questions of Councilmembers Perea and Quintero relative to prior direction to staff relative to obtaining information on green waste and current collection, possibility of the City team recommending privatization, involvement of the unions, timeframe on the RFEI, and consequences if the proposal came back for implementation and jobs were eliminated.

President Steitz made a motion to approve the agreement stating this was a perfect tool for the City employees to be competitive. Councilmember Ronquillo stated Council's position on privatization was pretty clear, and **(6 - 0)** questioned the consultant's roll, with Mr. Rhinehart responding.

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, an agreement with HDR Engineering, Inc., in the amount of \$62,500 hereby approved; and the Public Works Director authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Steitz  
Noes : Boyajian, Ronquillo  
Absent : None

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**(2:50 P.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

The City Council recessed and the Redevelopment Agency met in regular session at 3:22 p.m.

**APPROVE AGENCY MINUTES OF OCTOBER 19, 1999**

On motion of Member Mathys, seconded by Member Bredefeld, duly carried, RESOLVED, the minutes of October 19, 1999, approved as submitted.

**(“A”) CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF RTKL ASSOCIATES, INC. TO DEVELOP AN UPDATED MASTER PLAN OF THE UPTOWN AREA THAT TAKES INTO CONSIDERATION CURRENT ACTIVITIES AND PROPOSED PROJECTS AND CREATES A COORDINATED ACTION PLAN**

A motion was made to approve the agreement. Discussion ensued with Director Fitzpatrick responding to questions of Vice Chair Perea and Member Quintero relative to how the subject request tied into the study now being conducted by the Urban Land Institute (ULI), impact of delaying the issue until discussions are held with the ULI, and why staff was requesting \$60,000 be expended since information was already in place with the plan that was developed with the formation of the Uptown District. Chair Ronquillo clarified this was not a new issue and funding to develop an updated master plan had been allocated a long time ago, and advised the ULI study would be incorporated into master plan and explained.

Mr. Fitzpatrick responded additionally to questions of Member Bredefeld relative to RTKL being associated with Keyser Marston, and why the issue did not have to go through the competitive bid process. Member Bredefeld stated he concurred with Vice Chair Perea’s comments relative to the ULI, and he would not support the motion adding he hoped the Agency would just utilize the ULI’s study. Chair Ronquillo reiterated this issue was entirely different from what the ULI study would be suggesting and explained, and made a motion to approve the agreement. Member Steitz stated he also saw this as a duplication and he had a real problem with spending additional funds. Vice Chair Perea concurred adding he felt the issue was premature.

A motion of Chair Ronquillo, seconded by Member Boyajian, to approve the agreement with RTKL Associates, Inc., to develop an updated Master Plan of the Uptown Area failed, by the following vote:

Ayes : Boyajian, Mathys, Ronquillo  
Noes : Bredefeld, Perea, Quintero, Steitz  
Absent : None

Upon the recommendation of Mr. Fitzpatrick and with the consent of the Agency, the issue to be brought back on December 14, 1999, along with the ULI study.

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The Redevelopment Agency adjourned and the City Council reconvened in regular session at 3:37 p.m.

**(3:00 P.M.)** REPORTS FROM THE ECONOMIC DEVELOPMENT CORP. (EDC), FRESNO REVITALIZATION CORP. (FRC), AND THE FRESNO CONVENTION AND VISITORS BUREAU (CVB)

**1. \* RESOLUTION - 40<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$443,000 TO FUND THREE NEW POSITIONS AND A BUSINESS LICENSE STUDY FOR THE PURPOSE OF CARRYING OUT THE DIRECTION OF THE ECONOMIC RECOVERY PLAN, PLUS FUND A NEIGHBORHOOD PROJECT BOUND BY BELMONT, FREEWAY 180, "H" STREET AND PALM AVENUES (MONIES TO COME FROM APPROPRIATIONS FOR THE EDC, FRC AND CVB)**

**2. \* RESOLUTION - 3<sup>RD</sup> AMENDMENT TO PAR 99-182 ADDING THREE POSITIONS TO CARRY OUT THE DIRECTION OF THE ECONOMIC RECOVERY PLAN**

**3. APPROVE AGREEMENT WITH BURR CONSULTING TO STUDY FRESNO EMPLOYMENT MIGRATION PATTERNS, INDUSTRY GROWTH IN COMPARISON TO OTHER CITIES, TAX CONTRIBUTIONS BY INDUSTRY, JOB CREATION STRATEGIES, AND ALTERNATIVE BUSINESS TAX RATE MODELS, CONTINGENT UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY**

Referencing a Fresno Bee article, Councilmember Bredefeld stated there had been mis-information on how the issue got to this point, and clarified he previously directed staff to report back with some funding sources to implement some of the recommendations of the Economic Recovery Plan and what was before Council this date were simply staff's recommendations which may or may not be supported by Council.

Reports were made by Richard Machado, President of the Economic Development Corp., Robert Carter, Fresno Revitalization Corp., and Brian Ziegler and Jim Pardini, representing the Convention and Visitors Bureau, who reported on the purpose of their organizations, activities and expectations, and requested their funding not be taken away.

William Seifert, representing the Construction Industry Force Account Council, spoke to the neighborhood project issue and requested the work be put out to bid.

Requesting funding not be taken away from the organizations were: Margie Cooper, Regional Vice President, Piccadilly and Chateau Inns, and Layla Forstedt, President, Hotel-Motel Association for the CVB; Stebbins Dean, CEO, Chamber of Commerce, 1649 Van Ness; and Charles Tingey, EDC.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Councilmember Ronquillo commented on the issue and spoke in support of the three organizations stating he would oppose defunding them **(7 - 0)**. Councilmember Perea stated he strongly supported the CVB; relative to job creation stated a lot of people were trying to do the same thing; acknowledged funding for the organizations was already approved during budget and he would be taking a good look at activities and funding in the next fiscal year's budget; and relative to staff's recommendation stated the timing was wrong and he would not support defunding the organizations.

Councilmember Bredefeld concurred with Mr. Dean's comments that defunding the organizations mid-year was unfair; stated the City needed to double their efforts relative to the CVB's funding; and commented on the hotel

room tax that was defeated by the voters, and presented questions and requested clarification relative to why the CVB was silent on the tax issue, Fresno County not funding the CVB, comments made by Mr. Carter relative to the FRC being created years ago to “take the political pressure off” Council, process to remove the County from the CVB since they do not participate, amount budgeted annually to the EDC, number of jobs EDC helped to bring in, EDC monthly reports being mailed to Council, value of having a Councilmember on the EDC Board, and if EDC had any problem with Council wanting accountability, with Mr. Ziegler, Mr. Carter, City Attorney Montoy and Mr. Machado responding.

Councilmember Boyajian thanked Mr. Machado for the communication, noted a lot of economic development action was going on in the community stating someone was doing something right, concurred in the need for additional CVB funding, and stated he too would not be supporting defunding the organizations.

Councilmember Quintero offered a motion to direct the City Manager and Agency Director to include funding for the Economic Recovery Plan in the upcoming FY 2001 budget, which motion was ruled impermissible. Acting President Mathys welcomed Mr. Machado on board, noted concerns were primarily with lack of communication, and requested Council be kept informed and requested he be informed of activity in his district. There was no further discussion.

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#### **RECESS - 4:33 P.M. - 4:44 P.M.**

**(4:30 P.M.) DIRECT THE CITY MANAGER TO MEET WITH TREE FRESNO TO UPDATE OR DEVELOP A “UNIFORM LANDSCAPING POLICY” TO INCLUDE A LANDSCAPING PROPOSAL FOR EXISTING DEVELOPED PROPERTIES - COUNCILMEMBER QUINTERO**

Briefly reviewed by Councilmember Quintero and direction was made. Acting President Mathys stated he did not support the agreement with Tree Fresno because he believed the City needed to look inside the organization first, with Councilmember Quintero responding his issue as outlined did not say anything about taking away City jobs.

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#### **UNSCHEDULED ORAL COMMUNICATIONS:**

##### **APPEARANCE BY LOCAL 39/CITY BLUE COLLAR WORKERS REGARDING PRIVATIZATION**

Alex Correa, Business Representative, Local 39, stated there was an apparent mis-communication on the scheduling of Section 8 - “Managed Competition” (Privatization), which was previously taken out of the Economic Recovery Plan for further discussions, and spoke in opposition to privatization and urged Section 8 be permanently eliminated from the plan.

Also speaking in opposition to privatization were: Doyle Hubbs, 4746 E. Cornell; Russ Owen; Ben Rash; Richard Poulter, 1266 N. Helm; Robert Jensen, 2928 N. Millbrook **(8 - 0)**; Phillip Garcia, 3438 N. Marks; Matt Cordua, 26690 Greentree; John Tobar, E. Donner Avenue; Barbara Hunt, 944 “F” Street; Mark Fox; Rick M.; and Steven Webb.

Councilmember Bredefeld reviewed the background and status of the issue, emphasized the issue of privatization was one small part of the plan, stressed he never said he was supportive of privatization, expressed concern with the personal attacks on the City Manager this date, and stated he would not support anything that hurt City employees. Acting President Mathys and Councilmembers Perea, Ronquillo and Boyajian briefly commented on the issue, commended and thanked the employees for all their work, and stated they would not support privatization. There was no further discussion.

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**(2:00 P.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

**A. EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. STEPHEN O'BARR V. COF
2. MORALES V. COF

**B. ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - CASE NAMES:**

1. JOHN LOMBARDI V. COF
2. DONALD HOLLAND V. COF
3. DIANE HOLLAND V. COF

The Council met in closed session in Room 2125 at the hour of 5:35 p.m. and reconvened in regular open session at 6:09 p.m.

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**(3:30 P.M.) WORKSHOP/OVERVIEW OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND CITY IMPLEMENTATION**

Laid over one week.

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY RODERICK ALAN BIGGS, 3441 N. GLENN, REGARDING INABILITY TO WORK**

Mr. Biggs expressed frustration that he was unable to work because the Department of Motor Vehicles took away his commercial drivers license when he fell behind in child support payments due to a motorcycle accident he was involved in.

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**(5:45 P.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-09 AD REZONING APPLICATION NO. R-99-18, FILE BY CENTRAL PACIFIC BUILDERS, INC., ON BEHALF OF DON ALUISI, ET AL., AND THE CITY OF FRESNO ON BEHALF OF CLOVIS UNIFIED SCHOOL DISTRICT AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, 109+ ACRES LOCATED TO THE NORTHWEST OF THE INTERSECTION OF N. MAPLE AND E. INTERNATIONAL AVENUES (CAMBRIDGE HOMES)**

1. CONSIDER MITIGATED NEGATIVE DECLARATION NO. A-99-09, R-99-18, TT-4484, C-98-263
2. **RESOLUTION NO. 99-311** - AMENDING THE 1989 WOODWARD PARK COMMUNITY PLAN AND THE 1984 FRESNO GENERAL PLAN (*PLANNING COMMISSION RECOMMENDATION*)
3. **BILL NO. B-72 - ORDINANCE NO. 99-67** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM (*PLANNING COMMISSION RECOMMENDATION*)

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Yovino gave a brief opening presentation and advised representatives from various City departments and Dr. Bradley from Clovis Unified were present to answer any questions, and noted for the record two letters had been submitted to Council, one being the City's letter to Caltrans with questions and the other being their response.

Supervising Planner Haro reviewed the background of the issue and gave a brief history of the project, reviewed policies that affected the Woodward Park Community Plan Urban Reserve Area, described the modifications and changes to the project, (**9 - 0**) reviewed the environmental findings and checklist, noted it was staff's opinion that adequate public services including sewer, water, traffic and schools could be provided for the project, stated it was staff's conclusion that the project met the requirements of Plan Amendment A-95-11 and was consistent with the current general plan which confined urban development to an area within the City's current urban boundary or sphere of influence, noted receipt of a memorandum from Caltrans asking for appropriate impact fees on the Friant/41 intersection and advised the developer had agreed to pay a fee if a regional impact traffic and nexus study was conducted and was available that applied that fee on an appropriately regional basis, and recommended approval of the mitigated negative declaration, plan amendment, and rezoning application.

Representing the applicant and speaking in support of the project were: Bruce O'Neil, Land Use Planner; Charlie Klause, TBG Consulting, who spoke to traffic impacts associated with the project; Gary Giannetta, Civil Engineer, who spoke to the issue of infrastructure; and Gary McDonald, applicant, who spoke to the impact fee issue for the Friant/41 interchange.

Speaking to the issue, in support/opposition to the project, and to the issue of fair wages for carpenters, were: Andrew Kubik, 2746 W. Beechwood, opposed; Terry Bradley, Deputy Superintendent for Administration, Clovis Unified School District, 1450 Herndon, Clovis, support for the school site; Dwayne Crump, businessman, 782 E. Sample, support; Dona Hare, representing Woodward Lakes, 9920 N. Canyon Creek, opposed; Jeff Fuller, new Fresno resident, 2531 W. Lake Van Ness, support; Michael Campbell, President, Woodward Lake Homeowners Association, (**10 - 0**) opposed; Stan Ratzlaff, Fresno Land Co. Owner, 2514 Ashcroft, support; Larry Walker, Walker Construction, 1606 Bliss, Clovis, support; and Barbara Hunt, 944 "F" Street, opposed.

Continuing were: Tom Estes, President, Building and Construction Trades Council, 34 E. Garland, who requested workers not be exploited and requested Council intervene and make developers accountable to the City of Fresno; Jeffrey Harris, Building Industry Association, 3435 W. Shaw, support; Armida Hernandez, Volunteer Organizer, 6055 N. Brawley #126, who spoke to the issue of exploitation of workers; Tom Walker, 1695 E. Poppy Hills Drive, support; Doug Whipple, 890 W. Euclid, Field Representative, Carpenters Union, who spoke to the issue of fairness for workers and in opposition to the project; and Gloria Torres, State President, MAPA, 364 S. Goldenrod, Kerman, exploitation of workers/opposed to project.

Continuing were: Farid Assemi, 1396 W. Herndon, support; Samuel Blanco, Carpenter, 2930 E. Lamona, exploitation of workers (spoke in Spanish/comments translated by Councilmember Perea); Richard Strong, 5 River Park Place East, support; Heather Anderson, 10721 N. Windham Bay, opposed; Robert Wood, 1368 W. Herndon, support; Angel Noriega, 2321 N. Augusta, who requested fair wages and benefits for workers (spoke in Spanish/comments translated by Councilmember Perea); Leo Wilson, Developer of The Dominion, 1233 W. Shaw, support; Edwin Peraza, 2014 Tulare St., #716, Coalition for Latino Rights, and who expressed concerns for immigrant workers, especially the carpenters, and requested Council's help (**11 - 0**), and Angel, a child; and Stebbins Dean, Chamber of Commerce, support.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

**RECESS - 8:04 P.M. - 8:18 P.M.**

Gary McDonald, Applicant, 7120 N. Whitney, gave an overview of his project, changes and modifications, requested Council keep their promise, and advised he was willing to follow the adopted plan and pay an impact fee for the Friant/41 interchange.

Mr. Yovino, City Engineer Salazar, a Cambridge representative, and Mark Birmbaum, Caltrans Chief Transportation Planner, responded to numerous questions of Councilmember Boyajian at length relative to the developer paying his fair share, adequate infrastructure on Friant Road, need for traffic studies, adequacy of the Friant/41 on-ramp, if the City conducted a traffic study, problems with Friant Rd. infrastructure and what was needed to resolve problems, if other developers have come forward to Caltrans and paid their fair share, Fresno's air quality, the surface water treatment plant, who was paying for it and how it was being paid, if mass transit and (**12 - 0**) bike lanes would mitigate traffic problems, multi-use planning in other areas and why that was being done, the amount of time to drive across town to Chestnut and International Avenues, and air pollution problems and studies conducted. At this point City Manager Reid expressed concern with Councilmember Boyajian's line of questioning to staff, with Councilmember Boyajian responding the City Manager's comments were out of order as he was looking for facts. Mr. Yovino stated he would stand by his earlier answers relative to traffic, and clarified when a traffic study is conducted to determine a future fee, the COG model should not be used and cautioned Council on using that model as it was not an adopted Council plan and explained. Mr. Estes responded to additional questions of Councilmember Boyajian relative to studies undertaken on employment and the market in Fresno, prevailing wages, and percentage of workers being paid minimum wages in the new home building industry. Councilmember Boyajian stated he was offended by some of the comments made by speakers, emphasized there was a lot of congestion, bad air quality and water problems, stressed the city did not need any more new homes in the area, and relative to due process emphasized Council was the final decision-maker.

Councilmember Ronquillo stated this was a very important issue and recognized everyone in attendance; stated new development should pay its total cost; commented on the need to be consistent and questioned why the small urban reserve area was being picked on; noted the employment issues and concerns expressed by the carpenters needed to be dealt with separately; emphasized the devaluation of homes in this community was the result of the city's economic situation and not just the building of new homes; stressed growth was inevitable; advised Council was addressing the economic situation; and stated he would support the project because it was the fair and decent thing to do.

Councilmember Bredefeld questioned if the project violated the Woodward Park Community Plan, with Mr. Campbell responding. Mr. Campbell stated his address for the record and advised a letter had been submitted earlier, which letter was made part of the record and is on file in the office of the City Clerk. Councilmember Bredefeld continued stating he appreciated all Mr. McDonald had done; reviewed the background of the issue and why the project was voted down last March; stated the urban reserve should have never been opened up; and presented additional questions relative to the existing inadequate policing in the area, Police Department concerns, if any, with new development, what brought about the changing of policing district boundaries, downgrading of the Fire Department's insurance ratings and reasons therefor, traffic study results, and water capacity and supply, with Mr. Yovino, Deputy Police Chief Dyer, Fire Chief Smith, a Cambridge representative, and Water Systems Manager McIntyre responding.

Councilmember Bredefeld noted a lot of issues surfaced over the past 8 to 9 months and explained; emphasized Council had to determine if development was occurring at the right time; **(13 - 0)** stated he felt there was enough available land elsewhere and growth should be redirected to those areas that had been abandoned and ignored; responded to various comments made; and stated he believed the impacts associated with this project had not been addressed, and made a motion to deny the project, which was seconded and acted upon after additional discussion.

President Steitz presented questions relative to opposition, if any, by Clovis Unified and Caltrans, if water, fire, and streets/traffic issues had been addressed, if the project violated the Woodward Park Community Plan, if staff had ever opposed a project, if the developer met all requirements, if there was anything else staff could legally require the developer to do, which area in Fresno was best planned, who was paying for the needed infrastructure associated with this project and if the developer did not, who did, and if the City had ever required a police substation to be part of a project, with Mr. Bradley, Mr. Birmbaum, Mr. McIntyre, Chief Smith, Mr. Salazar, Mr. Yovino, Development Director Solis and Mr. Reid responding. President Steitz emphasized every single issue had been addressed and mitigated, stressed the project followed the plan, noted Clovis Unified and Caltrans did not oppose the project, and stated he would oppose the motion.

Mr. McIntyre, Mr. Campbell, Mr. Birmbaum, Deputy Chief Dyer, and Mr. Bradley responded to questions of Councilmember Perea relative to water pressure problems in the area, timeline of the surface water treatment plant, what could be done to speed up construction of the plant, how the plant was being paid, when ratepayers would be assessed a fee if this project were not approved and all development in northeast Fresno stopped, plans to add an additional lane to Friant Road, role of Caltrans and COG in bringing in funds to address Friant Rd. expansion, need for a police substation in the area, if the Police Department would consider and support a substation if Council provided the land and paid appropriate fees, creating an additional UGM fee for a northeast substation, closest schools to the project and their capacities, upcoming schools and timelines, and if home buyers were notified up-front that their children may not be able to attend a desired school. Councilmember Perea stated he felt a police substation would go in; noted tough decisions needed to be made and commented on school overcrowding; relative to carpenter worker concerns stated Mr. Harris of the Building Industry Association should meet with the workers, and stated he had been looking for equity on both sides of the table and there had been some success and explained.

**(14 - 0)** Mr. Reid stated fixing Friant could be completed right away with a re-prioritization of existing City dollars or State dollars and explained, and recommended the developer impact fee be contingent upon the City completing a nexus study and establishing a fee and requested Council get the developer's commitment to pay that fee on the record.

Councilmember Perea advised notice had been duly given and applications could still be processed for the urban reserve but the outcome of this issue should not be expected in the future; submitted a list provided by Clovis Unified of developers developing in the urban reserve and made a commitment to not take one dime from any developer on that list; and stated this was about Council doing what they had to do to move the community forward. The list was made part of the record and is on file in the office of the City Clerk.

Councilmember Quintero stated his reasons for supporting this project were made sometime back, advised some years ago an organization was looking to have a house built and Cambridge Homes stepped up and built the house for, and at no cost to, the Poverello House, and thanked and commended Mr. Lutton; and commended Mr. Yovino stating he has always known Mr. Yovino to be of high moral character and integrity with the best interests of the City at heart.

A motion of Councilmember Bredefeld, seconded by Councilmember Boyajian, to deny the Mitigated Negative Declaration for Environmental Assessment No. A-99-09, R-99-18, TT-4484, C-98-263 dated August 24, 1999; deny Plan Amendment No. A-99-09 amending the Fresno General Plan and the Woodward Park Community Plan; and deny Rezoning Application No. R-99-18 failed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys
Noes	:	Perea, Quintero, Ronquillo, Steitz
Absent	:	None

On motion of Councilmember Quintero, seconded by President Steitz, duly carried, RESOLVED, the Mitigated Negative Declaration for Environmental Assessment No. A-99-09, R-99-18, TT-4484, C-98-263 dated August 24, 1999, hereby approved; the above entitled Resolution No. 99-311 approving Plan Amendment No. A-99-09 amending the Fresno General Plan and the Woodward Park Community Plan to change the planned use of the project site from agricultural/urban reserve uses to medium-low density residential, public facility elementary school (with dual designation of medium-low density residential), public facility fire station (dual designations of medium-low density residential or agricultural/urban reserve); and open space/ponding basin adopted; and the above entitled Bill No. B-72 approving Rezoning Application No. R-99-18 to rezone the southeasterly approximately 76-acre portion of the subject property from AL-20 (County) to R-1/UGM, subject to approval and recordation of Tentative Tract No. No. 4884 and annexation of the property to the City of Fresno, adopted as Ordinance No. 99-67, by the following vote:

Ayes	:	Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian, Bredefeld, Mathys
Absent	:	None

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#### CLOSED SESSION ANNOUNCEMENTS

City Attorney Montoy announced the Claims of John Lombardi, Donald Holland and Diane Holland regarding an alleged civil rights violation, emotional distress and trespass relative to the Japanese lantern was considered in closed session and Council voted 5-0-2 to deny the claims, with Councilmembers Ronquillo and Bredefeld absent.

Relative to **Item 3B**, the claims ordinance, Ms. Montoy advised she would be coming back with a report in two weeks instead of one as she would be out of town the rest of this week.

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**(5C) \* RESOLUTION - 41<sup>ST</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$1,300 FROM DISTRICT 7'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE NON-INFRASTRUCTURE RELATED PROJECT FOR THE NEIGHBORHOOD WATCH SP50 RADIOS - COUNCILMEMBER PEREA**

Not discussed; laid over one week.

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**(5D) \* RESOLUTION - 44<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$1,500 FROM DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND AN AFTER-SCHOOL PROGRAM AT FREMONT SCHOOL - COUNCILMEMBER BOYAJIAN**

Not discussed; laid over one week.

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**(5E) \* RESOLUTION - 43<sup>RD</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$2,600 FORM DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A SURVIVALINK DEFIBRILLATOR FOR THE SENIOR CITIZEN'S VILLAGE - COUNCILMEMBER QUINTERO**

Not discussed; laid over one week.

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**(5G) \* BILL FOR INTRODUCTION AMENDING SUBSECTIONN8-402(g) OF THE FRESNO MUNICIPAL CODE RELATING TO USE OF DESIGNATED PARK AREAS - PRESIDENT STEITZ**

Not discussed; laid over one week.

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**ADJOURNMENT**

Due to lack of a quorum and the hour of 10:40 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this\_\_\_\_\_day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Ken Steitz, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk